

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NOEL VALDIVIA, SR.,

Petitioner,

No. CIV S-05-0416 FCD DAD P

vs.

JILL BROWN, et al.,

Respondents.

ORDER

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Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 9, 2005, the court filed findings and recommendations recommending that this action be dismissed due to petitioner's failure to keep the court apprised of his current address. It now appears that petitioner's mail from the court was returned because of an incorrect zip code; therefore, the court will vacate the findings and recommendations.

On June 13, 2005, petitioner filed a motion requesting copies of documents filed in other cases with this court, or in the alternative, the appointment of counsel. The court will deny both requests. Petitioner may obtain copies of court documents for a fee by contacting a

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1 photocopying service such as Attorney's Diversified Service.¹ In addition, there currently exists
2 no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105
3 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of
4 counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Fed. R.
5 Governing § 2254 Cases. In the present case, the court does not find that the interests of justice
6 would be served by the appointment of counsel at the present time.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations, filed on June 9, 2005, are vacated;
- 9 2. Petitioner's June 10, 2005 motion for court documents, or in the alternative,
10 motion for appointment of counsel, are denied;
- 11 3. Within thirty days from the service of this order, petitioner shall file and serve
12 his reply to respondents' answer; and
- 13 4. The petitioner's address of record shall be modified as follows: San Quentin
14 State Prison, San Quentin, CA 94964.

15 DATED: July 1, 2005.

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17 _____
DALE A. DROZD
18 UNITED STATES MAGISTRATE JUDGE

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20 vald0416.vac
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26 ¹ Petitioner may write to Attorney's Diversified Service at: 1424 - 21st Street,
Sacramento, CA 95814.